

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES HARRIS SMITH, JR.,
aka "James Smith,"
aka "Ashton A. Lee,"
aka "Big J,"
aka "Bugsy,"

Defendant.

2:20-CR-321-KJD-EJY

Final Order of Forfeiture

The United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2) and 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c) based upon the plea of guilty by James Harris Smith, Jr., aka "James Smith," aka "Ashton A. Lee," aka "Big J," aka "Bugsy," to the criminal offense, forfeiting the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment and shown by the United States to have the requisite nexus to the offense to which James Harris Smith, Jr., aka "James Smith," aka "Ashton A. Lee," aka "Big J," aka "Bugsy," pled guilty. Criminal Indictment, ECF No. 11; Change of Plea, ECF No. 33; Plea Agreement, ECF No. 35; Preliminary Order of Forfeiture, ECF No. 36.

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

This Court finds the United States published the notice of forfeiture in accordance with the law via the official government internet forfeiture site, www.forfeiture.gov,

1 consecutively from January 11, 2022, through February 9, 2022, notifying all potential third
2 parties of their right to petition the Court. Notice of Filing Proof of Publication Exhibits,
3 ECF No. 38-1, p. 5.

4 This Court finds the United States notified known third parties by regular mail and
5 certified mail return receipt requested of their right to petition the Court. Notice of Filing
6 Service of Process – Mailing, ECF No. 37.

7 On December 30, 2021, the United States Attorney's Office served Roger Chad
8 Kelley or Chad Kelley at San Angelo, TX 76904-4702, with copies of the Preliminary Order
9 of Forfeiture and the Notice through regular mail and certified mail return receipt requested.
10 Notice of Filing Service of Process – Mailing, ECF No. 37-1, p. 1-16.

11 On December 30, 2021, the United States Attorney's Office attempted to serve Roger
12 Chad Kelley or Chad Kelley at Sublette, KS, with copies of the Preliminary Order of
13 Forfeiture and the Notice through regular mail and certified mail return receipt requested.
14 Both mailings were returned as not deliverable as addressed. Notice of Filing Service of
15 Process – Mailing, ECF No. 37-1, p. 1-13, 17-19.

16 On December 30, 2021, the United States Attorney's Office served Roger Chad
17 Kelley or Chad Kelley at San Angelo, TX 76902-3902, with copies of the Preliminary Order
18 of Forfeiture and the Notice through regular mail. Notice of Filing Service of Process –
19 Mailing, ECF No. 37-1, p. 1-13, 20.

20 On December 30, 2021, the United States Attorney's Office attempted to serve Roger
21 Chad Kelley or Chad Kelley at San Angelo, TX 76902-3902, with copies of the Preliminary
22 Order of Forfeiture and the Notice through certified mail return receipt requested. The
23 certified mail was returned as unable to forward. Notice of Filing Service of Process –
24 Mailing, ECF No. 37-1, p. 1-13, 20-22.

25 On December 30, 2021, the United States Attorney's Office served Joshua Alan
26 Lewis at Miami, OK 74354-2102, with copies of the Preliminary Order of Forfeiture and the
27 Notice through regular mail. Notice of Filing Service of Process – Mailing, ECF No. 37-1,
28 p. 1-13, 23.

On December 30, 2021, the United States Attorney's Office attempted to serve Joshua Alan Lewis at Miami, OK 74354-2102, with copies of the Preliminary Order of Forfeiture and the Notice through certified mail return receipt requested. The certified mail was returned as unclaimed. Notice of Filing Service of Process – Mailing, ECF No. 37-1, p. 1-13, 23-25.

On December 30, 2021, the United States Attorney's Office attempted to serve Joshua Alan Lewis at Miami, OK 74354, by regular and certified return receipt mail with copies of the Preliminary Order of Forfeiture and the Notice through regular mail and certified mail return receipt requested. The regular mailing was returned as attempted not known and the certified mailing was returned as not deliverable as addressed. Notice of Filing Service of Process – Mailing, ECF No. 37-1, p. 1-13, 26-28.

This Court finds no petition was filed herein by or on behalf of any person or entity and the time for filing such petitions and claims has expired.

This Court finds no petitions are pending regarding the property named herein and the time has expired for presenting such petitions.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all possessory rights, ownership rights, and all rights, titles, and interests in the property hereinafter described are condemned, forfeited, and vested in the United States pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(n)(7) and shall be disposed of according to law:

1. a Ruger LCR model .357 caliber revolver, bearing serial number 546-22249;
 2. a Remington Model 870 Wingmaster 12 gauge shotgun, bearing serial number S219878V;
 3. an Iver Johnson Target Model 55 .22 caliber revolver, bearing serial number H2547; and
 4. any and all compatible ammunition
- (all of which constitutes property).

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the property
2 shall be disposed of according to law.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
4 copies of this Order to all counsel of record.

5 DATED July 13, 2022.

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8 KENT J. DAWSON
9 UNITED STATES DISTRICT JUDGE
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